

GOOD EVENING, My name is Sanford Rome and I lived at 14645 SW Willamette Street, 97140

I want to thank the commission and the members for the public hearing tonight and for receiving public input for this important land use application. It has been a long time since I have been able to come before you and I am glad I can do so with openness and disclosure. Some of you may not know me. If you do, thank you for being a friend. If you don't know me, well rumors have always existed about me and they are..... probably true.

Before I get started on tonight's presentation, I would like to thank the Armed Services and acknowledge the tragedy of this week. I would also ask for a moment of remembrance and silence.

In tribute, I am also here today as a veteran and a long time member of our community. I have lived in Sherwood for 36 years. During that time I have seen many a builder, contractor, developer come to this town and pillage. We as citizens are still picking up the pieces of the burdens and responsibilities of the previous councils and planning commissions. I am asking you folks of this commission not to do that. I have welcomed development over the years. I have always had one request however, -- "If you let them come don't let them burden us all with their development mistakes." (THAT SAYS IT ALL).

I am a college graduate, I have an insurance underwriting license, am a father of two kids—born and raised here in Sherwood, and a grandfather. I am also a Landlord in this town, and have numerous properties in Sherwood. Over the past 36 years the continued lack of control by the planning commission and city council has put me, my properties, you and your properties in to financial peril. That says it ALL again.

As a quick reference of early development in Sherwood-

➤ **Lower Roy- Chuck Head, developer builder of Hackers Subdivision**

I objected to the 2 inch water line and galvanized pipe and lack of street lights.

We as a city paid to re-do the water line and put in some street lights.

➤ **Glen Eagle:**

No sidewalks and City paid after the fact limited street lighting

➤ **Lee Park: Vance Lee and son, builder/developer..**

1 st phased Planned development.. Did phase 1, left town forever. Phase 2 some years later revived by Keith Witmore.. Sherwood required bonding for the road improvements. Witmore bailed before complete build out and never finished street improvements. City put bond money in general funds.. roadway never 2nd lift paved. (Cost more than bond at time to be done.) So we lowered the manholes and filled around them.. Leaving repaving for all of us to pay at a later time as the moneys from bonding had been spent in labor and administrative costs.. or so I was told.

➤ **And, all the way to Woodhaven, Millers Landing and the Renaissance Subdivisions.**

Exhibit K

In the early 1970s, I came before a City Council/commission like your commission tonight. We mentioned the need for city services such as water, sewer, transportation, schools and the likes. The city said we have to address each request individually and could not at that time analyze, impose, or put in requirements that were not part of the plans.

DR. Bill Hill, then school Superintendent said: "We would have to accommodate the students when they arrive". I suggested we needed a fund (fee) to help with the costs associated with the purchasing of property for new schools. City did not want to go down that road, so still today we all pay for students tomorrow.

We then began to change. We sought out development. We realized that we desperately needed a storm water plan. Ultimate final view of the plan became a document that without local citizen input, it would not have happened. **My property on Willamette Street was also impacted dramatically and overtly by the city.** Without knowing it—I will bet all of you know my property—it is the one located just south of that traffic barrier on the half built street section of Willamette Street near Kathy Park by Murdock Road. If you would like to discuss that later individually I would enjoy speaking with you, or if the city would finally like to resolve that I would like that opportunity.

An early attempt to "You build it, they will come" was known in town as the Murdock Road LID. It was Bancroft bonded. Sanford Rome was the only one to pay his bond share. When the LID failed, and the bond was assigned to the entire city, I was never given a refund of the 90% monies I paid of approximately \$26,000. It all went to the General fund and the citizens of Sherwood and indebtedness of the project was passed to the entire city.

April Meadows properties adjacent to me was another project that got into trouble. When Dale DeHarport and his construction company decided that the economics of the day could not longer support building, he left the unfinished portions of Kathy Street for the city—as a town we picked his pieces in lieu of foreclosure. The city chose to sell that 22 acres to another partnership spearheaded by Lou Fascano-- the man that wrote the famous "Fascano decision" standard known throughout the state of Oregon known as "if you build it they will come."

The city gave that property away-- not for cost,-- not for the value of the land,-- no we gave it away to him and allowed him to increase the density to what is now our MDRL standards. From 7000 sf to 5000 sf.

We thereby gifted to Fascano in excess of \$250,000 in goodies -- to a guy who never built a house in this town, or ever lived in this town. This is important because in addition to the giveaways-- he filled a wetlands. Thankfully, the Division of State Lands and others made him pay for filling the Murdock drainway. But guess What? I am still paying a price for those Fascano mistakes. What has happened? ALL of the water from Kathy Park pours out from that subdivision and on to my property. Still that problem has not resolved—some 20 years later -- Willamette Street has an 18 ft roadway with a barrier. This is important backdrop for the traffic impact discussion we are having tonight.

In the early 1980s, then Mayor Walt Hitchcock said "we need to help developers to help spur growth." Fair Oaks Subdivision was given several concessions. It has always been known that growth happens

when opportunity and the market prevails-- not when development is forced with city funds and incentives. The problem with Fair Oaks is this very issue. There is no storm water control, No street lights or bulbs or sidewalks over there. Because of Fascano and Dehaport we change development standards.

With Lee Park by Meineke Road and the high school, we continued to allow the developer not to be required to build sidewalks. We had street lights by then. After Phase 1, the developer/builder decided not to build Phase 2 and left it to the city during the 1980s. The city started requiring bonding and when Whitmore didn't complete his improvements, thankfully the bonding was used to complete the paving of the street.

We didn't require sidewalks on Norton Street in 1976. Dates may differ a little. Our history though makes my point about development.

In the early 1990s we let Mike and Larry Kay build 52 multi-family units (apartments) on Murdock Road. It was two phased and took more than one year. We allowed them to maximize the density and put in 52 units. That have kept a good family apartment project in place and the Kays still own the units today. They never put in the walkway and kids playground that was supposed to be part of Phase 2. They have stayed in Sherwood and are keeping it maintained. As far as the apartment parking-- it spills onto Murdock Road and their parking ratio is higher at 1.5 stalls/unit.

Normally my time would be up now. I would ask the Planning Commission for a few more minutes to continue. If not, if any members of the audience will let me continue and yield their time.

I am here with many issues about this proposed development.

**Sanford Rome
Willamette Street
Sherwood, Oregon 97140**

November 10, 2009

Sherwood Planning Commission
City of Sherwood, Oregon

Comments for Proposed Cannery PUD Hearing

In the past 36 years I have seen a lot, if not all in Sherwood

Who I am
What I do
What I know—citizens pay for planning mistakes in many ways!
How Long I have lived in Sherwood

Kay Apartments- 52 units on 5 acres. One of Sherwood's nicer complex's

Walking trail never happened, play structure was not on final plans and CITY
missed it. Neither was built.
Parking spills onto Murdock Rd (higher ratio than this proposal)

FairOaks Subdivision:

Sam Gotter- developer, Walt Hitchcock-Mayor

No curbs, storm water system, street lights, or sidewalks.

'Gotter' purposed PUD, thus cutting them out to save costs under the disguise of "Affordable Housing" – 1 acre lots? Could not DO the development and would give the property to the City as Deharport had on April Meadows last phase.

Mayor Hitchcock stated in the recorded when I challenged these issues: "We needed to help start development." ~~Most of know or should realize~~ that "Development happens when need is sufficient and proper planning helps make it possible."

Recent:

Snyder Park:

Bought with water funds,
Developed as a park first,
Water tank infrastructure added later
Snyder family did not want to sell- City didn't need all 20 acres, forced negotiations.
10 year provision not to sell off parts of 20 acres
Mayor Cottle wanted to sell off 5 lots before 10 yrs
Snyder family said "No"
Mayor/Council hit back changed park name to "Sunset" Park
As soon as Cottle was off Council, people petitioned to change the name back to honor Snyder Family
Julia Hajduk said "Now the 10 years have passed, we can do what we want with the lots on the Snyder property."
Now city is going to sell lots because they need money for operations—
If they sell, the proceeds should be kept in a capital asset account

Problems with Proposed Cannery Square PUD

Traffic Issues- Transportation study focuses' on their wants—misses what really happens

Photo of Pine Street where it jogs
Photo of Willamette Street past the site
Photo of Willamette Street corner by City's Field House
Photo of Unimproved Lincoln Street
Photo of Willamette into Roy Street past Rome home to Murdock

Parking Issues- Say NO to request to reduce the parking ratio: **less than 1:1, not even realistic.** Asking and making more traffic flow problems, as they exist in Woodhaven.

We cannot afford to deviate from parking standards—there isn't enough parking NOW in Old Town

Murdock Apts parking overflows to Murdock Road
Keyes Apts/Condos overflows to Cedarbrook Way
Sunfield Lakes Apts overflows to Century Drive

Guess What? Much of Willamette street No parking either side...
Where will they go? To the surrounding neighborhoods!

Say NO to request to reduce the compact parking from 25% or 50% of the spaces

Building Design / Setback Issues

Dormitory style not good for neighborhood

Applicant is asking for setback changes (see p. 19 staff report) from 30 ft to ZERO ft

Scale of building is too large for surrounding residential

– “enhanced screening” of landscape recommended by the staff report on page 20 will not solve the problem

Building height is supposed to be controlled by the MDRH zone which is 2.5 stories or 35 feet whichever is less (See MDRH and PUD zoning handouts) With a PUD request you cannot use the HDR standards—you have to look at the MDRH height standard

Applicant has to provide “On site recreation” for the tenants of the apartments (See p. 31 of staff report.) Applicant **MUST** be provided to the tenants per Code Section 16.142.020:

- 20% of the open space **SHALL** be retained in common open space
- A Minimum of 50% of the open space **SHALL** be suitable for active recreation
- Must be Shown on the site plan and physically situated to be readily accessible and usable by all residents of the development
- Recreation space to **be a minimum** of 800 sf and 15 feet wide and planted in grass or otherwise suitably improved

Density Issues-

Say NO to their request for 101 units vs. the 31 to 44 units staff says is allowed from the underlying zoning— this clustering of density adversely impacts the roads, neighborhood and traffic in the area.

Unit mix tends to lend to the low income type not condo type of tenants. This is from actual experience from a dormitory style building I own in PDX. Unit's break down as follows: 16 studio apts units, 33 1-Bedroom std apts, 20 Dlx. 1-bed.+ den units, and 32 2-bedroom/2 bath apts.

Given my background from 35 years of apartment management in PDX, I can clearly see the potential for up to and even more that 137 children impacting the local elementary school. This impact would be immediate upon rent-up. Actual calcs under Hud stds would allow for 33 children with a parent in 1 bdrm unit, 40 or more in the 20 units with a den, could even put 2 children w/bunk beds into the den., and 64 children into the 2 bedroom units. Reality may have less impact, or even higher as some people fail to fully disclose.

Value Issues- \$50 Million is untrue!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!1

With 22k sq ft of commercial/retail space, at 200\$/sq ft (more than double any values now in Sherwood) = Approx \$5Million in value (double valued-but hear me out)
101 +/- apts units at a average of \$200,000 each,(more than any of the nice condos are selling for in Sherwood. Gleneagle under \$100K and the new ones around \$160K)
Inflated values allowed would be 20.2M or combined overinflated at \$25M not 4x inflated to 50\$.

Now you can smoke and mirror this a million ways, but giving up the 6 acres for 3M and giving an added 8M away in help and incentives, leave the Developer only needing 15M to finish and already have a 50% profit in this project.. **//// ALL ON THE BACKS OF US ALREADY IN SHERWOOD !!! WOW, CAN I SIGH UP..?**

Commercial Tenants for Future?

Say NO to giving applicant approvals now and then LATER we find out what we get.

What is planned, not possibility, and letters of intent.. not hopes.

We cannot cannibalize our existing commercial base—we would just trade vacancies:

Clancy's, Sherwood Coffee company, Rainbow Market, Antique mall and the like

The PROVEN FAILURE TO RENTUP OR SELL THE 2 NEW BUILDING IN DOWNTOWN, PLUS EXISTING VACANIES AT OUR CURRENT MALLS SHOWS THAT THERE IS LITTLE OR NO NEED. I do understand that we can dictate what to build, but part of the process in planning to develop a need and fill it..

PUD Zoning Issues

If you subtract the street (Columbia and Willamette improvements and needed width), what is left of the parcel before you build anything..less than 5 acres

This proposal violates the surrounding neighborhoods because it is not in harmony with the surrounding area or its potential future use (See Chapter 16.72 Criteria 4 also see p. 9 of the Staff Report) .

Why I am here today

TO HELP YOU, and I am not from the government.

Your planning officier: Julia Hajduk may not have seen all thse problems or due to time,budget, management and other restraints has failed to protect us.

THIS PUD IS A DUD. With a lot of help, it could become a concept proposal. Approval with terms and conditions will not allow for this to be a PREMIER DEVELOPMENT IN SHERWOOD. !!!!!

It will become a planned unit high rise slum/project just like the ones in many a large sity and even the older Columbia Villa in PDX.

Examples with photos of earlier land use planning projects in town are included in my remarks

Respectfully submitted with attachments:

Sanford 'Sandy' Rome

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Portland Business Journal - July 14, 2008
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PORTLAND BUSINESS JOURNAL

Friday, July 11, 2008

Developers: Loss of tax breaks could halt projects

The city of Portland is considering clamping down on some tax abatements

Portland Business Journal - by [Andy Giegerich](#) Business Journal staff writer

Portland developer Pat Kessi is considering a mixed-use project that would house middle-income residents in St. Johns.

To make it happen, he wants the city of Portland to grant abatements that would reduce his property taxes over the next 10 years or so. But as part of a planned review of its abatement program, the city could put the clamps on some of the tax breaks that Kessi and other developers typically seek.

"That would hurt our ability to do the project," said Kessi, who developed the Pearl District's much-lauded 937 Condos. "With construction costs where they are, it continues to get tougher to do forward-looking projects.

Kessi is one of several housing developers who'll monitor potential changes to the abatement programs. The Portland City Council could overhaul programs that, through abatements already granted, will save housing developers at least \$40.5 million in taxes through the year 2016.

The new attention comes as at least 68 tax abatements for various housing projects near expiration. Most of the abatements have lasted for 10 years and are due to expire by the end of 2009. City officials say in most cases, developers will seek extensions of their abatements.

Housing developers say the incentives, which essentially reduce their property tax bills, are critical to Portland's economy. In particular, the transit-oriented abatements help the city meet goals that encourage density along key transportation corridors.

"If the continued public policy is to promote more dense development, those projects typically involve more costs and other challenges" related to parking and construction needs, said Chris Nelson, a principal with Portland-based developer Capstone Partners LLC. "These projects need a little more help, especially today when our development prices are going up more than rents or sale prices."

Commissioner Nick Fish, who oversees Portland's housing bureau, will examine the housing-related abatement programs to see whether they remain viable.

"These programs were adopted at different times and for different purposes, and they've evolved over time," said Fish. "It's a good time to step back and see if they've served the original goals" of simultaneously sparking affordable housing and mixed-use development.

Fish wants to determine new measures that gauge the programs' performance. Staffers will study whether more housing units were developed, how well the projects have served neighbors and whether the would-be collected tax money would have been better spent as part of the city's general fund.

Officials currently measure the programs' success by the number of housing units the abatements create. For instance, abatement programs for projects near downtown's light rail systems were credited with spawning much of the Pearl District's residential growth, said Barbara Sack, a city planner.

The 18 transit-oriented developments that received certain tax exemptions between 1997 and 2006 include a 17-acre Northeast Portland retirement facility developed by the Hazelwood Group LLC, of Portland. The company recently asked the Portland City Council to extend its 10-year tax exemption by another 21 years.

The group paid property tax of \$8,338 in 2007 on the development, which has a real market value of \$11.6 million.

The council eventually voted to extend the Hazelwood agreement by one more year as it mulls ways to handle future extension requests.

The council must further decide how to address extension requests it denies. For instance, some affordable housing advocates fear that developers who don't receive abatement extensions could convert their affordable units to market-rate housing.

Along with Fish's study, the city's audit services division plans to release a tax abatement report by the end of July.

Developers will watch the situation carefully.

"Losing them could be a deal killer because margins on these projects are very tight," said Brian Owendoff, vice president and general manager for Portland's Opus Northwest LLC office. "The addition of real property taxes could be the breaking point between a project making and not making economic sense."

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Friday, October 3, 2008 | Modified: Tuesday, October 7, 2008

State closes historic deal

Development will reshape Salem

Portland Business Journal - by [Wendy Culverwell](#) Business Journal staff writer

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In one of its biggest real estate deals ever, the state of Oregon has enlisted Capstone Partners LLC to transform a pumpkin-covered patch of land in south Salem into a corporate park with more than 600,000 square feet of industrial space.

The deal will significantly diversify Salem's government-dependent economy.

Last week, Oregon officials finalized a development agreement with Portland-based Capstone to begin a decades-long remake of the 180-acre property into a center for industrial, distribution and office users. For Capstone, the Mill Creek Corporate Center project offers a rare opportunity to develop clean land with easy access to Interstate 5. For local officials, including the city of Salem, the project is a rare opportunity to bring nongovernment jobs to the state capitol.

The state of Oregon is supplying the land, which has been used as farmland for more than a century. Salem officials contributed their support along with urban development money for infrastructure on the hope that jobs will replace the pumpkins.

Ultimately, the success of Mill Creek Corporate Center falls to Capstone, which won the right to develop the site after a grueling competitive bid process that attracted some of the region's largest industrial developers.

A big part of Capstone's job involves securing approximately \$50 million to prepare the first 40 acres for development. If all goes according to plan, the first parcel will start taking shape in mid-2009 and be ready for occupants a year later.

The development agreement took more than a year to negotiate and was signed on the cusp of a difficult week that calls into question the viability of any project that requires a serious financial commitment. Despite the torrent of harsh economic news and fears that investment capital has dried up, Capstone officials say they're optimistic that their financial partners — typically institutional investors such as pension funds — will back Mill Creek.

"I can't tell you we're not worried," said Chris Nelson, managing partner. He acknowledged that the current climate may be "spooky," but said the project's 2010 opening coupled with a demonstrated need for industrial space that is close to Interstate 5 make the project attractive.

The neighborhood had its first industrial user move in less than two weeks ago. In a separate deal, the state sold 8 acres for a 50,000-square-foot FedEx distribution facility, which opened late last month and which already is attracting a steady stream of traffic.



Cathy Cheney | Portland Business Journal

Jeff Sackett and Chris Nelson of Capstone Partners will develop a Salem pumpkin patch near Interstate 5.

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Friday, October 10, 2008

Neighborhoods strive to attract, control businesses

Refashioning a street's reputation as 'Sleaze Avenue'

Portland Business Journal - by [Anne Laufe](#) Contributing writer

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Community activist Dawn Rasmussen has been working to attract the right kinds of businesses to her northeast Portland neighborhood.

She might be best known for her work with Save Madison South, the Portland group that successfully lobbied to keep a big -box store from moving in across



Cathy Cheney | Portland Business Journal

Community activist Dawn Rasmussen anticipates improvements to Northeast 82nd Avenue.

[View Larger](#)

the street from **Madison High School**.

City officials and developers say working with such community activists is a critical part of any commercial development.

Rasmussen points out that she's always been pro-business.

Recognizing that "you get what you don't plan for," Rasmussen and her neighbors have taken matters into their own hands in an effort to remake 82nd Avenue with a town square that includes restaurants, shops and a grocery store.

That's a far cry from its current assortment of car lots, porn shops and, most recently, prostitution.

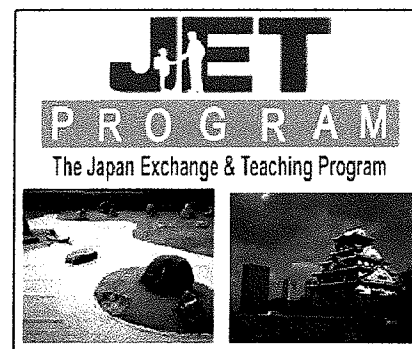
"The main thing that everyone wants is businesses that sort of turn the tide," she said. "We want to change the street's reputation from Sleaze Avenue."

Save N.E. 82nd Avenue has already spoken with City Commissioners Nick Fish and Randy Leonard, and met with city planners on Oct. 2.

"We know the elected officials are going to be key because they are the policymakers," Rasmussen said.

The city is primed to listen. Deborah Stein, Portland district planner, said her district liaisons regularly meet with business and property owners, building relationships and trying to serve a community development role.

"If in getting to know a community we find there's a lack of certain services, we'll then try to talk to (the **Portland Development Commission**) about addressing that," Stein said.



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Site: Clean, usable, Level



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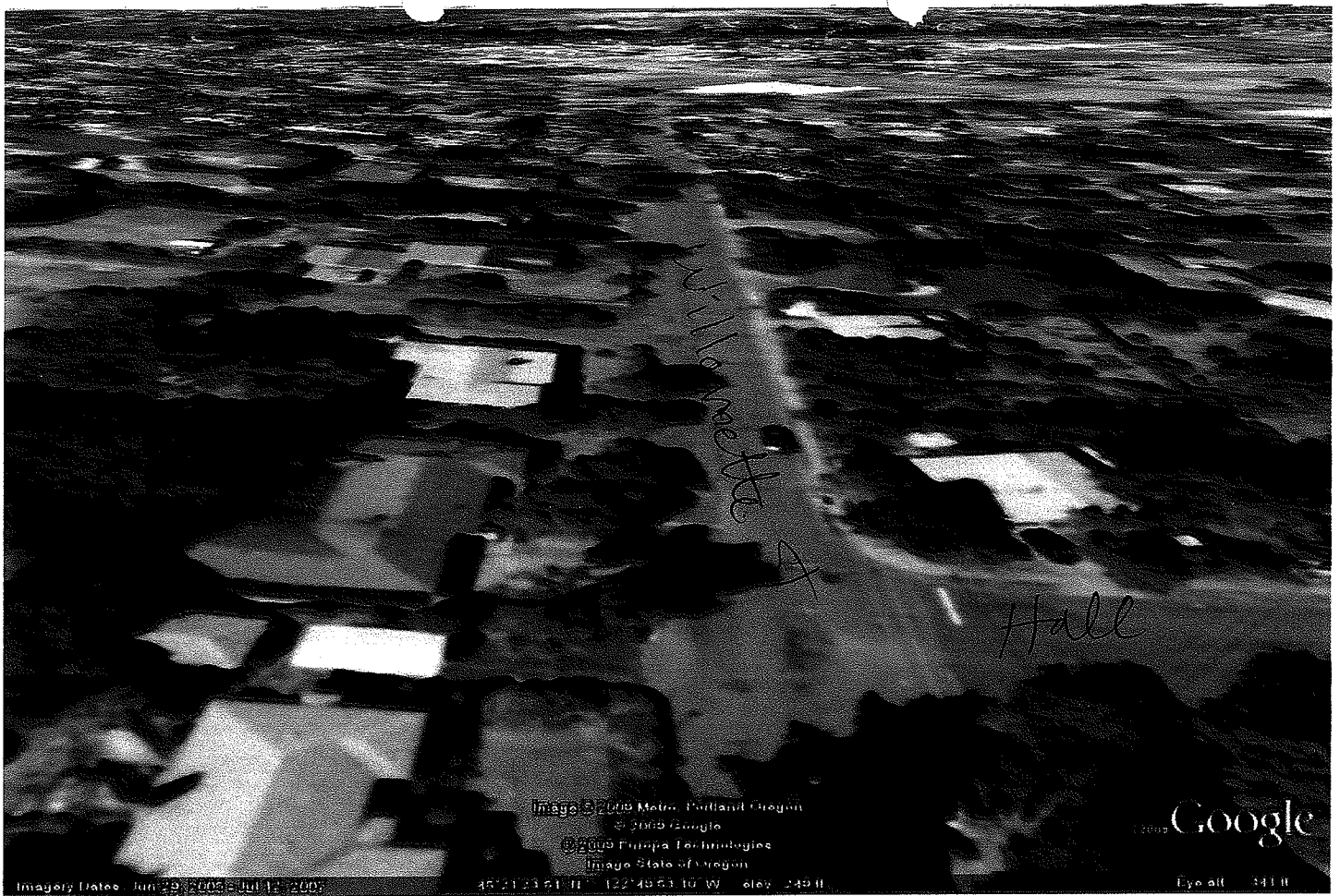
Adding it into This development AS

#1 condition would make the
possible Additional Transportation uses
very nice.



Barrier -

Capstone wants to put up internal
Barriers also



Unimproved Willamette → Hall.

Increase Traffic should not be allowed

Dangerous Willamette St. corner -
adjacent to property





Unimproved Lincoln St.



Land ruined by developers /city!
no reimbursement



18' roadway along Willamette St.



NO crubs
NO sidewalks
NO streetlights
NO stormwater system

referenced in section on Background

Housing along railroad line in Sherwood.





↑
Willamette ST
narrow by 6'
no - sidewalks - Limited Parking



Murdock Apts - summer w/o water on lawn

white top are covered pling / each Apt + other spaces -
40+

Chapter 16.40 PLANNED UNIT DEVELOPMENT (PUD)*

Sections:

16.40.010 Purpose

16.40.020 Preliminary Development Plan

16.40.030 Final Development Plan

16.40.040 General Provisions

16.40.050 Residential PUD

16.40.060 Non-Residential (Commercial or Industrial) PUD

* Editor's Note: Some sections may not contain a history.

16.40.010 Purpose

A. PUDs integrate buildings, land use, transportation facilities, utility systems and open space through an overall site design on a single parcel of land or multiple properties under one or more ownerships. The PUD process allows creativity and flexibility in site design and review which cannot be achieved through a strict adherence to existing zoning and subdivision standards.

B. The PUD district is intended to achieve the following objectives:

1. Encourage efficient use of land and resources that can result in savings to the community, consumers and developers.
2. Preserve valuable landscape, terrain and other environmental features and amenities as described in the Comprehensive Plan or through site investigations.
3. Provide diversified and innovative living, working or neighborhood shopping environments that take into consideration community needs and activity patterns.
4. Achieve maximum energy efficiency in land uses.

(Ord. 86-851 § 3)

5. Promote innovative, pedestrian-friendly, and human scale design in architecture and/or other site features that enhance the community or natural environment. (Ord. 2001-1119 § 1)

(Ord. No. 2008-015, § 1, 10-7-2008)

16.40.020 Preliminary Development Plan

A. Generally

A PUD Preliminary Development Plan shall be submitted for the review and approval in accordance with Chapter 16.72. PUDs shall be considered: a.) on sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of: natural features such as floodplains, wetlands, and extreme topography, or man-made features, such as parcel configuration and surrounding development; b.) on parcels of land within the Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or c.) in other areas deemed appropriated by Council during the adoption of a concept plan required by a Metro UGB expansion. (Ord. 2001-1119 § 1; 86-851)

B. Content

The Preliminary Development Plan application shall include the following documentation:

1. Existing conditions map(s) showing: All properties, existing uses, and zoning districts within three hundred (300) feet, topography at five (5) foot intervals, floodplain, significant natural vegetation and features, private and public facilities including but not limited to utilities, streets, parks, and buildings, historic and cultural resources, property boundaries, lot lines, and lot dimensions and area.

2. Listing of all property owners adjacent to the PUD as per Section 16.72.020, including names and addresses, and a listing of all persons, including names and addresses, with an interest in the property subject to the PUD application.
3. Proposal map(s) showing: Alterations to topography, floodplain, natural vegetation, trees and woodlands, and other natural features, all streets, utility alignments and easements, parks and open space, historic and cultural resources, other public and utility structures, and any other dedicated land features or structures, the parceling, lot consolidation, adjustments, or subdivision of land including basic parcel dimensions and areas, the phasing of the PUD, siting and orientation of proposed new structures, including an identification of their intended use.
4. Narrative describing: the intent of the PUD and how general PUD standards as per this Chapter are met, details of the particular uses, densities, building types and architectural controls proposed, form of ownership, occupancy and responsibility for maintenance for all uses and facilities, trees and woodlands, public facilities to be provided, specific variations from the standards of any underlying zoning district or other provisions of this Code, and a schedule of development.
5. If the PUD involves the subdivision of land, the proposal shall also include a preliminary subdivision plat and meet all requirements of Chapter 16.122. The preliminary subdivision shall be processed concurrently with the PUD. (Ord. 2001-1119 § 1; 86-851)
6. Architectural Pattern Book: A compendium of architectural elevations, details, and colors of each building type shall be submitted with any PUD application. The designs shall conform to the site plan urban design criteria in Section 16.90.020(G) or any other applicable standards in this Code. A pattern book shall act as the architectural control for the homeowner's association or the commercial owner. An Architectural Pattern Book shall address the following:
 - a. Illustrative areas within the development application covered by the pattern book.
 - b. An explanation of how the pattern book is organized, and how it is to be used.
 - c. Define specific standards for architecture, color, texture, materials, and other design elements.
 - d. Include a measurement or checklist system to facilitate review of the development for conformity with the pattern book.
 - e. Include the following information for each building type permitted outright or conditionally proposed in the PUD:
 - i. Massing, facades, elevations, roof forms, proportions, materials, and color palette.
 - ii. Architectural relevance or vernacular to the Pacific Northwest.
 - iii. Doors, windows, siding, and entrances, including sash and trim details.
 - iv. Porches, chimneys, light fixtures, and any other unique details, ornamentation, or accents.
 - v. A fencing plan with details that addresses the relationship between public space and maintaining individual privacy subject to Section 16.58.030.

C. Commission Review

The Commission shall review the application pursuant to Chapter 16.72 and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their decision based on the following criteria:

1. The proposed development is in substantial conformance with the Comprehensive Plan and is eligible for PUD consideration per 16.40.020. A.
2. The preliminary development plans include dedication of at least 15 percent of the buildable portion of the site to the public in the form of usable open space, park or other public space, (subject to the review of the Parks & Recreation Board) or to a private entity managed by a

homeowners association. Alternatively, if the project is located within close proximity to existing public spaces such as parks, libraries or plazas the development plan may propose no less than 5% on-site public space with a detailed explanation of how the proposed development and existing public spaces will together equally or better meet community needs.

3. That exceptions from the standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan.

4. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments, vernacular, and scale subject to review and approval in Subsection (B)(6).

5. That the system of ownership and the means of developing, preserving and maintaining parks and open spaces are acceptable.

6. That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district.

7. That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year from date of approval.

8. That adequate public facilities and services are available or are made available by the construction of the project.

9. That the general objectives of the PUD concept and the specific objectives of the various categories of the PUDs described in this Chapter have been met. (Ord. 2001-1119 § 1; 98-1053; 86-851)

10. The minimum area for a Residential PUD shall be five (5) acres, unless the Commission finds that a specific property of lesser area is suitable as a PUD because it is unusually constrained by topography, landscape features, location, or surrounding development, or qualifies as "infill" as defined in Section 16.40.050(C)(3). (Ord. 2001-1119 § 1)

D. Council Action

Upon receipt of the findings and recommendations of the Commission, the Council shall conduct a public hearing pursuant to Chapter 16.72. The Council may approve, conditionally approve, or deny the Preliminary Development Plan. A Council decision to approve the Preliminary Development Plan shall be by ordinance establishing a PUD overlay zoning district. The ordinance shall contain findings of fact as per this Section, state all conditions of approval, and set an effective date subject to approval of the Final Development Plan as per Section 16.40.030. (Ord. 2001-1119 § 1; 86-851)

E. Effect of Decision

Approval of the Preliminary Development Plan shall not constitute final acceptance of the PUD. Approval shall, however, be binding upon the City for the purpose of preparation of the Final Development Plan, and the City may require only such changes in the plan as are necessary for compliance with the terms of preliminary approvals. (Ord. 86-851 § 3)
(Ord. No. 2008-015, § 1, 10-7-2008)

16.40.030 Final Development Plan

A. Generally

Upon approval of the PUD overlay zoning district and preliminary development plan by the Council, the applicant shall prepare a detailed Final Development Plan as per this Chapter and Section 16.78.010, for review and approval of the Commission. The Final Development Plan shall comply with all conditions of approval as per Section 16.40.020. In addition, the applicant shall prepare and submit a detailed site plan for any non-single-family structure or use not

addressed under Section 16.40.020(B)(6), for review and approval, pursuant to the provisions of Chapter 16.90. The site plan shall be processed concurrently with the Final Development Plan. (Ord. 86-851 § 3)

B. Final Subdivision Plat

If the PUD involves the subdivision of land, a final plat shall be prepared and submitted for final approval, pursuant to Chapter 16.124. (Ord. 86-851 § 3)
(Ord. No. 2008-015, § 1, 10-7-2008)

16.40.040 General Provisions

A. 1. Phasing

- a. The City may require that development be done in phases, if public facilities and services are not adequate to serve the entire development immediately.
- b. Any PUD which requires more than twenty four (24) months to complete shall be constructed in phases that are substantially complete in themselves and shall conform to a phasing plan approved as part of the Final Development Plan.

2. Failure to Complete

- a. When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission shall determine whether or not the PUD's continuation, in whole or in part, is in the public interest.
- b. If continuation is found not to be in the public interest, the Commission shall recommend to the Council that the PUD be extinguished. The Council, after public hearing, may extend the PUD, extend with conditions, or extinguish the PUD.

B. Changes in Approved Plans

1. Major Changes

Proposed major changes in a Final Development Plan shall be considered the same as a new application, and shall be made in accordance with the procedures specified in this Chapter.

2. Minor Changes

Minor changes in a Final Development Plan may be approved by the Council without further public hearing or Commission review, provided that such changes do not increase densities, change boundaries or uses, or change the location or amount of land devoted to specific uses. (Ord. 86-851 § 3)

C. Multiple Zone Density Calculation

When a proposed PUD includes multiple zones, the density may be calculated based on the total permitted density for the entire project and clustered in one or more portions of the project, provided that the project demonstrates compatibility with the adjacent and nearby neighborhood(s) in terms of location of uses, building height, design and access. (Ord. No. 2008-015, § 1, 10-7-2008)

16.40.050 Residential PUD

A. Permitted Uses

The following uses are permitted outright in Residential PUD when approved as part of a Final Development Plan:

1. Varied housing types, including but not limited to single-family attached dwellings, zero-lot line housing, row houses, duplexes, cluster units, and multi-family dwellings.

2. Related NC uses which are designed and located so as to serve the PUD district and neighborhood.

3. All other uses permitted within the underlying zoning district in which the PUD is located. (Ord. 86-851 § 3)

B. Conditional Uses

A conditional use permitted in the underlying zone in which the PUD is located may be allowed as a part of the PUD upon payment of the required application fee and approval by the Commission as per Chapter 16.82. (Ord. 86-851 § 3)

C. Development Standards

1. Density

The number of dwelling units permitted in a Residential PUD shall be the same as that allowed in the underlying zoning district, except as provided in Subsection (C)(2), below or 16.40.040.C above.

2. Density Transfer

Where the proposed PUD site includes lands within the base floodplain, wetlands and buffers, or steeply sloped areas which are proposed for public dedication, and such dedication is approved as a part of the preliminary development plan, then a density transfer may be allowed adding a maximum of 20% to the overall density of the land to be developed.

3. Minimum Lot Size

The minimum lot size required for single-family, detached dwellings is 5,000 square feet, unless the subject property qualifies as infill, defined as: parent parcel of 1.5 acres or less proposed for land division, where a maximum 15% reduction in lot size may be allowed from the minimum lot size. (Ord. 2001-1119 § 3; 86-851)

(Ord. No. 2008-015, § 1, 10-7-2008)

16.40.060 Non-Residential (Commercial or Industrial) PUD

A. Permitted Uses

Any commercial, industrial or related use permitted outright in the underlying zoning district in which the PUD is located, may be permitted in a Non-Residential PUD, subject to Division VIII. (Ord. 91-922 § 3; 86-851)

B. Conditional Uses

Conditional use permitted in the underlying zoning district in which the PUD is located may be allowed as part of the PUD upon payment of required application fee and approval by Commission.

(Ord. 86-851 § 3)

C. Development Standards

1. Floor Area

The gross ground floor area of principal buildings, accessory buildings, and future additions shall not exceed sixty percent (60%) of the buildable portion of the PUD.

2. Site and Structural Standards

Yard setback, type of dwelling unit, lot frontage and width and use restrictions contained in this Code may be waived for the Non-Residential PUD, provided that the intent and objectives of this Chapter are complied with in the Final Development Plan. Building separations shall be maintained in accordance with the minimum requirements of the Fire District.

3. Perimeter Requirements

Unless topographical or other barriers within the PUD provide reasonable privacy for existing uses adjacent to the PUD, the Commission shall require that structures located on the perimeter of the PUD be:

a. Setback in accordance with provisions of the underlying zoning district within which the PUD is located and/or:

b. Screened so as to obscure the view of structures in the PUD from other uses.

4. Height

Maximum building height is unlimited, provided a sprinkler system is installed in all buildings over two (2) stories, as approved by the Fire District, excepting that where structures are within one hundred (100) feet of a residential zone, the maximum height shall be limited to that of the residential zone.

5. Community Design Standards

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII and IX.

6. Density Transfer

Where the proposed PUD includes lands within the base floodplain, a density transfer may be allowed in accordance with Section 16.142.040.

7. Minimum Site Area

a. Commercial PUD

Minimum area for a Commercial PUD shall be five (5) acres. Development of a Commercial PUD of less than five (5) acres may be allowed if the PUD can be developed consistent with the intent and standards of this Chapter, as determined by the Commission.

b. Industrial PUD

The minimum site area for an Industrial PUD shall be twenty (20) acres.
(Ord. 91-922 § 3; 86-851)

Chapter 16.18 MEDIUM DENSITY RESIDENTIAL HIGH (MDRH)*

Sections:

16.18.010 Purpose

16.18.020 Permitted Uses

16.18.030 Conditional Uses

16.18.040 Dimensional Standards

16.18.050 Community Design

16.18.060 Flood Plain

*** Editor's Note: Some sections may not contain a history.**

16.18.010 Purpose

The MDRH zoning district provides for a variety of medium density housing, including single-family, two-family housing, manufactured housing on individual lots, multi-family housing, and other related uses, with a density not to exceed eleven (11) dwelling units per acre and a density not less than 5.5 dwellings per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirement.

(Ord. 86-851 § 3)

16.18.020 Permitted Uses

The following uses and their accessory uses are permitted outright:

A. Single-family detached or attached dwellings.

B. Two-family dwellings.

C. Accessory dwelling unit subject to Chapter 16.52.

(Ord. 2000-1108 § 3)

D. Manufactured homes on individual lots as per Section 16.46.010.

(Ord. 89-898 § 1; 86-851)

E. Multi-family dwellings.

F. Agricultural uses such as truck farming and horticulture, but excluding commercial buildings or structures, or the raising of animals other than household pets.

G. Home occupations, subject to Chapter 16.42.

H. Group homes not exceeding five (5) unrelated persons in residence, family day care providers, government assisted housing, provided such facilities are substantially identical in physical form to other types of housing allowed in the zoning district.

(Ord. 91-922 § 2; 86-851)

I. Public recreational facilities, including but not limited to parks, playfields, sports and racquet courts, but excluding golf courses which are permitted conditionally.

J. PUDs, subject to Chapter 16.40 and Section 16.12.070.

K. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Chapter 16.86.

L. Residential care facility.

(Ord. 91-922 § 2)

M. Townhomes, subject to Chapter 16.44.

16.18.030 Conditional Uses

The following uses and their accessory uses are permitted as conditional uses when approved in accordance with Chapter 16.82:

- A. Churches and parsonages.
- B. Public and private schools providing education at the preschool level or higher, but excluding commercial trade schools which are prohibited.
- C. Daycare facilities other than family day care providers which are permitted outright.
- D. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.
- E. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.
- F. Plant nurseries and other agricultural uses including commercial buildings and structures.
- G. Special care facilities, including but not limited to hospitals, sanitariums, and convalescent homes.
- H. Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.
- I. Public and private utilities, including but not limited to telephone exchanges, electric substations, gas regulator stations, sewage treatment plants, water wells, and public work yards.
- J. Any business, service, processing, storage, or display not conducted entirely within an enclosed building which is essential or incidental to any permitted or conditional use, as determined by the Commission.
- K. Raising of animals other than household pets.
- L. Public golf courses.

16.18.040 Dimensional Standards

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84.

(Ord. 91-922 § 2; 86-851)

A. Lot Dimensions

Except as modified under Chapter 16.68 (Infill Development), Chapter 16.144, Chapter 16.44 (Townhomes), or as otherwise provided, required minimum lot areas and dimensions shall be:
TABLE INSET:

1.	Lot areas:	
	a. Single-Family Detached:	5,000 sq ft
	b. Single-Family Attached:	4,000 sq ft
	c. Two-Family:	8,000 sq ft
	d. Manufactured Homes:	5,000 sq ft
	e. Multi-Family:	8,000 sq ft
	(for the first two (2) units & for each additional unit)	3,200 sq ft

2.	Lot width at front property line:	25 feet
3.	Lot width at building line:	
	a. Single-Family:	50 feet
	b. Two-Family & Multi-Family:	60 feet
	c. Manufactured Homes:	50 feet
4.	Lot depth:	80 feet

(Ord. 2006-021)

5. Townhome lots are subject to Chapter 16.44.

(Ord. 2002-1126 § 2; 2001-1123; 86-851 § 3)

B. Setbacks

Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030, Chapter 16.44 (Townhomes), or as otherwise provided, required minimum setbacks shall be:

TABLE INSET:

1.	Front yard:	20 feet
2.	Side yard:	
	a. Single-Family Detached:	5 feet
	Corner Lot (street side):	15 feet
	b. Single-Family Attached (one side):	5 feet
	c. Two-Family:	5 feet
	Corner Lot (street side):	15 feet
	d. Manufactured Home:	5 feet
	Corner Lot (street side):	15 feet
	e. Multi-Family, for portions of elevations that are:	
	24 feet or less in height:	5 feet
	Greater than 24 feet in height: (see setback requirements in Section 2.309.030B)	
	Corner Lot (street side)	20 feet
3.	Rear yard:	20 feet

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4. Accessory buildings see Chapter 16.50 -- Accessory Uses.

(Ord. 2003-1153 § 1)

5. Buildings which are grouped together in one project on one (1) tract of land shall be separated by a distance equal to the sum of the required side yards for each building (i.e., as though an imaginary lot line is placed between the buildings).

(Ord. 2006-021; 91-922 § 2; 86-851)

6. Townhomes, subject to Chapter 16.44.

(Ord. 2002-1126 § 2; 2001-1123; 86-851 § 3)

C. Height

Except as otherwise provided for accessory structures, or for townhomes under Chapter 16.44, or for infill development under Chapter 16.68, the maximum height of structures shall be two and one-half (2- 1/2) stories or thirty-five (35) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet. Height of townhomes may be three (3) stories, subject to Chapter 16.44.

(Ord. 2006-021; 2002-1126 § 2; 2001-1123; 86-851)

16.18.050 Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII and IX.

(Ord. 86-851 § 3)

16.18.060 Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. 2000-1092 § 3; 88-979; 87-867; 86-851)